

1 THE HONORABLE MARSHA J. PECHMAN  
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10 UNITED STATES DISTRICT COURT  
11 WESTERN DISTRICT OF WASHINGTON  
12 AT SEATTLE

13 JANELL CRAIG,

14 Plaintiff,

15 v.

16 HAL ANTELLIN N.V., a Netherlands Antilles  
17 corporation; HOLLAND AMERICA LINE  
18 N.V., a Netherlands Antilles corporation;  
19 HOLLAND AMERICA LIN - USA, INC., a  
20 Washington corporation; and HOLLAND  
21 AMERICA LINE INC., a Washington  
22 corporation,

23 Defendants *in personam*,

and

M/S ZAANDAM, her engines, tackle, apparel,  
etc.

Defendant *in rem*.

No. 10-01496

**ANSWER TO COMPLAINT FOR  
DAMAGES**

1 COME NOW defendants HAL ANTILLEN N.V.; HOLLAND AMERICA LINE  
2 N.V.; HOLLAND AMERICA LINE – USA, INC.; and HOLLAND AMERICA LINE INC.  
3 by and through their attorneys, and respond to plaintiff's Complaint as follows:  
4

5 **I. PARTIES**

6 1.1 Admit.

7 1.2 Admit.

8 1.3 Admit.

9 1.4 Admit.

10 1.5 Admit.

11 1.6 Deny.

12 1.7 The allegations contained in paragraph 1.7 do not require an answer. To the  
extent an answer is deemed necessary, deny.

13 **II. JURISDICTION AND VENUE**

14 2.1 Admit.

15 2.2 Admit.

16 2.3 Admit.

17 2.4 Admit.

18 2.5 Admit.

19 **III. FACTS**

20 3.1 Defendants re-assert as if fully stated herein, their responses to paragraphs 1-  
21 2.5 above.

3.2 Admit that plaintiff reported sustaining injuries while aboard the ship, but deny the remaining allegations for lack of knowledge.

### 3.3 Deny.

### 3.4 Deny for lack of knowledge.

### 3.5 Deny for lack of knowledge

#### **IV. CAUSE OF ACTION – NEGLIGENCE**

4.1 Defendants re-assert as if fully stated herein, their responses to paragraphs 1-3.5 above.

4.2 Defendants deny that these allegations constitute an accurate statement of the law.

### 4.3 Deny.

#### 4.4 Deny.

## V. DAMAGES

## 5.1 Deny.

## 5.2 Deny.

### 5.3 Deny.

## 5.4 Deny.

## 5.5 Deny.

## 5.6 Deny.

## JURY DEMAND

This allegation does not require a response from answering defendants.

## **VII. PRAYER FOR RELIEF**

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**NIELSEN ■ SHIELDS**  
P L L C  
600 Stewart Street, Suite 1703  
Seattle, Washington 98101  
206.728.1300

1 Defendants deny plaintiff's prayer for relief in its entirety, including subparagraphs A  
2 through E.

3 **FURTHER AND ADDITIONAL DEFENSES, INCLUDING AFFIRMATIVE**  
4 **DEFENSES**

5 By way of further answer, including affirmative defenses, Defendants allege as  
6 follows:

7 1. Plaintiff's Complaint fails, in whole or in part, to state a claim upon which  
8 relief can be granted.

9 2. Plaintiff's claims are barred and/or limited by contract.

10 3. Plaintiff's damages, if any, were proximately caused, in whole or in part, by  
11 plaintiff's negligence.

12 4. Plaintiff assumed the risk.

13 5. Plaintiff's damages, if any, were proximately caused, in whole or in part, by  
14 the negligence of third party(ies).

15 6. Plaintiff's damages, if any, were proximately caused, in whole or in part, by a  
16 superseding cause(s).

17 7. Plaintiff has failed to mitigate her damages.

18 8. To the extent defendants have made any payments to or on behalf of plaintiff,  
19 defendants are entitled to a set-off.

20 9. Defendants reserve the right to add additional affirmative defenses as  
21 discovery develops.

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WHEREFORE, Defendants pray that plaintiff's Complaint be dismissed with prejudice at her own cost and expense, and for all other general and equitable relief to which defendant may be entitled.

DATED this 24th day of September, 2010.

*s/Louis A. Shields*

LOUIS A. SHIELDS, WSBA # 25740  
Nielsen Shields, PLLC  
600 Stewart Street, Suite 1703  
Seattle, Washington 98101  
Telephone: 206-728-1300  
Facsimile: 206-728-1302  
Email: las@nielsenshields.com  
Attorneys for Defendants

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**NIELSEN ■ SHIELDS**  
P L L C  
600 Stewart Street, Suite 1703  
Seattle, Washington 98101  
206.728.1300

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2 **CERTIFICATE OF SERVICE**

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I hereby certify that on September 24, 2010, I electronically  
5 filed the foregoing with the Clerk of the Court using the CM/ECF  
6 system, which will send notification of such filing to the following:

7

8 Michael David Myers, Esq.  
9 Myers & Company, PLLC  
10 1530 Eastlake Avenue East  
11 Seattle, WA 98102

12 J. Stephen Simms  
13 John T. Ward  
14 Marios J. Monopolis  
15 *Pro Hac Vice* Applications Pending  
16 Simms Showers LLP  
17 20 South Charles Street, Suite 702  
18 Baltimore, Maryland 21201

19 I certify under penalty of perjury under the laws of the State of  
20 Washington that the foregoing is true and correct.

21 Signed at Seattle, Washington this 24th day of September, 2010.

22  
23 *Sheila Baskins*  
24 Legal Assistant  
25 600 Stewart Street, Suite 1703  
26 Seattle, Washington 98101  
27 Telephone: 206-728-1300  
28 Facsimile: 206-728-1302  
29 smb@nielsenshields.com

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